IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO. 3608 OF 2003

PETITIONER — Salik Ram Lahre, son of Muli Ram Lahre, aged about 38 years. Working as Assistant Teacher at Balak Ashram, Orchha, Mata Rukmani Sewa Sansthan, Dimrapal, District-Bastar, (C.G.)

V E R S U S

RESPONDENTS :

1. State of Chhattisgarh, through Secretary, Department of Tribal Welfare, D.K.S.Building, Mantralay, Raipur, District-Raipur, (C.G.)
2. Collector, Bastar, District-Bastar, (C.G.)
3. Commissioner, Tribal Welfare Department, Jagdalpur,.
4. Seceratry, Mata Rukmani Sewa Sansthan, Dimrapal, District Bastar, (C.G.)
5. Superintendent , Balak Ashram, Orchha, District-Bastar, (C.G.)

P. R. No. 3420/03 Presented by Shri S.R.Tekriwal dated 01.11.03

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(50)

आदेश पत्रक

मामला क्रमांक W.P.No. 3608/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

19-7-2004

Shri Vinay Pandey, Advocate for the petitioner.

Shri M.P.S. Bhatia, Panel Lawyer for the respondents 1 to 3.

Shri Prafulla Bharat, Advocate for respondents no. 4 and 5.

Heard.

The petitioner has preferred this petition under Article 226/227 of the Constitution of India against the order dated 18-9-2003 passed by the respondent No. 4 whereby he has been transferred from Balak Ashram, Orchha to Kanya Ashram, Orchha.

Counsel for the petitioner submits that the transfer is mala fide and this has been done so as to accommodate one Smt. Kavita Nag.

Counsel for the respondents No. 4 and 5 on the other hand submitted that the petitioner has been transferred to a different school in the same village and in between these two schools, only there is a boundary wall. He relied on a decision of the Hon'ble Apex Court in the case of State of U.P. and others –v- Gobardhan Lal reported in 2004 AIR SCW 2082 to contend that an order of transfer should not be normally interfered. In para 9 of the aforesaid judgment, it has been held as under:-

> "9. A challenge to an order of transfer should normally be eschewed and should not be countenanced by the Courts or Tribunals as though they are Appellate Authorities over such orders, which could assess the niceties of the administrative needs and requirements of the situation concerned. This is for the reason that Courts or Tribunals cannot substitute their own decisions in the matter of transfer for that of competent

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

W.P.No. 3608/2023

मामला क्रमांक ..... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

authorities of the State and even allegations of mala fides when made must be such as to inspire confidence in the Court or are based on concrete materials and ought not to be entertained on the mere making of it or on consideration borne out of conjectures or surmises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer."

Having considered the facts and circumstances of the case and material on record and further that Smt. Kavita Nag neither has been made as party nor there is any material to show mala fide *vis-a-vis* ~~in favour of~~ smt. Kavita Nag, and that the petitioner has been transferred to a school of the same village and further since transfer is an exigency of service, in the opinion of this Court, no case for interference in the impugned order is made out in exercise of extraordinary jurisdiction vested under Article 226/227 of the Constitution of India.

The petition fails and is dismissed.

Sd/-
Fakhruddin
Judge

Patel

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